

Senate Bill No. 84

Passed the Senate September 11, 2009

Secretary of the Senate

Passed the Assembly September 11, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 39 of Chapter 2 of the Fourth Extraordinary Session of the Statutes of 2009, relating to education finance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 84, Steinberg. Education finance.

Existing law appropriates the sum of \$402,000,000 from the General Fund to the Superintendent of Public Instruction for the 2009–10 fiscal year to be allocated to schoolsites selected to participate in the Quality Education Investment Act program, as specified. Existing law requires the Superintendent, for each school district and chartering authority receiving an allocation pursuant to these provisions, to reduce its revenue limit or its general purpose entitlement, as specified, for the 2009–10 school year by the amount of the allocation received pursuant to these provisions.

This bill would condition this reduction upon certification by the Superintendent that an equivalent amount of additional federal or state funds that may be used by a school district or chartering authority for revenue limit or general purpose uses have been made available to the school district or chartering authority. The bill would require the Superintendent of Public Instruction and the Director of Finance to report to the Legislature by March 1, 2010, the amount of the reductions specified in the bill that will not be eligible for restoration with available federal funding.

The bill would require the Superintendent of Public Instruction to use \$64,872,000 in federal funds, as specified, in combination with other available funds, for the purpose of awarding grants to local educational agencies that participate in the Quality Education Investment Act Program in the 2009–10 fiscal year, thereby making an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 39 of Chapter 2 of the Fourth Extraordinary Session of the Statutes of 2009, is amended to read:

Sec. 39. (a) (1) The sum of four hundred two million dollars (\$402,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for the 2009–10 fiscal year to be allocated to schoolsites selected to participate in the Quality Education Investment Act program pursuant to Section 52055.730 of the Education Code. Local educational agencies shall receive funding, on behalf of funded schools, at the rates established pursuant to subdivisions (a) and (i) of Section 52055.770 of the Education Code. Local educational agencies and school sites receiving this funding shall comply with all of the requirements of the Quality Education Investment Act program specified in Article 3.7 (commencing with Section 52055.700) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code.

(2) Notwithstanding Section 52055.770 of the Education Code, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by this subdivision shall be included in the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in Section 41202 of the Education Code for the 2009–10 fiscal year.

(3) Notwithstanding any other provision of law, the appropriation made in this subdivision shall be in lieu of the appropriation required by subparagraph (B) of paragraph (2) of subdivision (c) of Section 52055.770 of the Education Code for the 2009–10 fiscal year.

(b) For each school district and chartering authority receiving an allocation pursuant to subdivision (a), the Superintendent of Public Instruction shall reduce its revenue limit determined pursuant to Section 42238 of the Education Code or its general purpose entitlement determined pursuant to Section 47633 of the Education Code, as applicable, for the 2009–10 fiscal year by the amount of the allocation received pursuant to subdivision (a). However, the reduction shall occur only upon determination by the Superintendent of Public Instruction and the Director of Finance that an equivalent amount of additional federal or state funds that may be used by school districts and chartering authorities for the same purposes as funds received pursuant to Sections 42238 and

47633 of the Education Code have been made available to that school district or chartering authority.

(c) Notwithstanding any other provision of law, local educational agencies that participated in the Quality Education Investment Act Program in the 2009–10 fiscal year may, on behalf of eligible schoolsites, apply to the State Department of Education for grants provided to the state pursuant to subsections (a) and (g) of Section 1003 of Title I of the Elementary and Secondary Education Act (20 U.S.C. Sec. 6303 et seq.) and for moneys reserved by the state pursuant to subsection (g) of Section 1003 of Title I of the Elementary and Secondary Education Act. The State Department of Education shall award grants to schoolsites during the 2009–10 fiscal year from funds provided pursuant to subsection (a) or subsection (g), as appropriate, of Section 1003 of Title I of the Elementary and Secondary Education Act, which apply for these funds pursuant to this subdivision and meet all of the eligibility requirements for the receipt of these funds.

(d) The Superintendent of Public Instruction and the Director of Finance shall report to the Legislature the amount of the reductions specified in subdivision (b), if any, that will not be eligible for restoration with available federal funding by March 1, 2010.

(e) The Superintendent of Public Instruction shall use sixty-four million eight hundred seventy-two thousand dollars (\$64,872,000) in one-time carryover funds provided to the state under subsection (a) of Section 1003 of Title I of the Elementary and Secondary Education Act (20 U.S.C. Sec. 6303 et seq.), as appropriated pursuant to Provision 7 of Item 6110-134-0890 of Chapter 1 of the Third Extraordinary Session of the Statutes of 2009, in combination with other available funds, for the purpose of awarding grants to local educational agencies that participate in the Quality Education Investment Act Program in the 2009–10 fiscal year.

(f) It is the intent of the Legislature that the first priority for a source of funding to restore the reductions specified in subdivision (b) shall be federal funds.

Approved _____, 2009

Governor